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TL&A 512-327-5452

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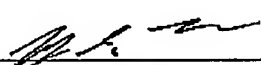
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-LB1049	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name <u>Emma L. Meyer</u>		Application Number 10/797,919 First Named Inventor Jeffrey Lewis Brandt et al. Art Unit 2876 Filed March 10, 2004 Examiner Franklin, Jamara Alzaida	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Jeffrey G. Toler</u> Typed or printed name <u>512-327-5515</u> Telephone number <u>2-10-2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jeffrey Lewis Brandt, et al.

Title: MULTIPLE OPTIONS TO DECLINE AUTHORIZATION OF PAYMENT
CARD CHARGES

App. No.: 10/797,919

Filed: March 10, 2004

Examiner: FRANKLIN, Jamara
Alzaida

Group Art Unit: 2876

Atty. Dkt No.: 1033-LB1049

Confirmation No.: 3346

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action mailed on December 1, 2005 (hereinafter, "the Final Office Action"), Applicants file herewith a Notice of Appeal and a Pre-Appeal Brief Request for Review. The Applicants request review of the following issues:

1. Claims 1, 9-11, and 19-21 Are Allowable over Joao.

Applicants traverse the rejection of claims 1, 9-11 and 19-21 under 35 U.S.C. §102(b) over U.S. Patent No. 6,047,270 ("Joao") at page 2, paragraph 2, of the Final Office Action. Joao discloses a system and method for providing account security. *See Joao*, Abstract. Joao discloses that when a card is presented at a point-of-sale, the device operator swipes the card, a central processing computer processes the information, and if the card is not lost, stolen, canceled or deactivated and if the card limit is not reached or exceeded, the central processing unit will transmit a signal to the cardholder. *See Joao*, col. 18, line 60 through col. 20, line 15. Joao discloses that the system waits for the cardholder to respond to the transmission. *See Joao*, col. 20, lines 48-49. Joao discloses that the cardholder may transmit a signal to suspend use of the card. *See Joao*, col. 20, lines 58-61. Joao discloses that the cardholder can "cancel,

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disapprove of, or not authorize" the transaction. *See Joao*, col. 21, lines 27-30. However, the option available to the user in Joao is to accept or decline the transaction. The list provided at col. 21 lines 27-30 of Joao are equivalent, alternative terms for the same option, which results in the transaction being declined by the user. Consequently, Joao fails to disclose or suggest providing multiple options for the payment card holder to decline authorization of the attempted transaction, as recited by independent claims 1 and 11. Thus, Joao fails to disclose or suggest at least one element of independent claims 1 and 11, and at least one element of dependent claims 9-10, and 19-21, at least by virtue of their dependency from one of the independent claims 1 and 11.

2. Claims 2-6, 12-16, and 22 Are Allowable over Joao in View of Walker.

Applicants traverse the rejection of claims 2-6, 12-16 and 22 under 35 U.S.C. §103(a) over Joao in view of U.S. Patent No. 5,999,596 ("Walker") at page 4, paragraph 5 of the Final Office Action. As previously discussed, Joao fails to disclose or suggest at least one element of each of the independent claims 1 and 11. The Final Office Action acknowledges that Joao fails to disclose or suggest a first option for the payment cardholder to decline authorization of an undesirable but non-fraudulent transaction. *See Final Office Action*, p. 4. The Final Office Action alleges that Walker teaches multiple options for the payment card holder to decline authorization at col. 10, lines 8-17, 25-60 and 45-60. *See Final Office Action*, p. 5.

Applicants submit that the references provide no motivation for making the asserted combination. While Joao discloses a system for a user to control transactions related to his own account (*See Joao*, Abstract), Walker discloses a system for an account holder to authorize transactions between a second user and a third party (*See Walker*, Abstract). The references provide no motivation to make the asserted combination.

Moreover, Walker discloses only one option for declining a transaction, that is selecting option 2. *See Walker*, col. 10, lines 4-10. Thus, the asserted combination of Joao and Walker fails to disclose or suggest providing multiple options for the payment card holder to decline authorization of the attempted transaction, as recited by claims 1 and 11. Claims 2-6, 12-16 and 22 depend from one of the allowable independent claims 1 and 11. Therefore, claims 2-6, 12-16 and 22 are allowable over the asserted combination of Joao and Walker, at least by virtue of their dependency from one of the allowable independent claims 1 or 11.

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3. *Claims 7 and 17 Are Allowable over Joao and Walker in View of Cohen.*

Applicants traverse the rejection of claims 7 and 17 under 35 U.S.C. §103(a) over Joao and Walker, and further in view of U.S. Patent No. 6,422,462 ("Cohen") at page 5, paragraph 6, of the Final Office Action. The Final Office Action acknowledges that the asserted combination of Joao and Walker fail to disclose or suggest automatically reporting the fraudulent transaction to a credit reporting agency, as recited by claims 7 and 17. *See Final Office Action*, p. 5, paragraph 6. The Final Office Action alleges that Cohen discloses this feature at col. 3, lines 11-18. *See Final Office Action*, p. 5. Cohen is directed to a system of disposable credit card numbers, where the credit card numbers are generated for a one-time, single transaction. *See Cohen*, col. 2, lines 32-40. By making the one-time use numbers indistinguishable from regular credit card numbers, the thief cannot tell in advance, which may enhance the potential of catching the thief by alerting the credit card company on use of the card. *See Cohen*, col. 3, lines 11-18.

Applicants submit that the cited references provide no motivation for combining the cardholder transaction authorization system of Joao with the third party authorization system of Walker and further with a one-time usage card of Cohen. However, even if the asserted combination were made, as previously discussed, the asserted combination of Joao and Walker fails to disclose or suggest at least one element of each of the independent claims 1 and 11. Cohen also fails to disclose or suggest providing multiple options for the payment card holder to decline authorization of the attempted transaction, as recited by independent claims 1 and 11. Therefore, the asserted combination of Joao, Walker, and Cohen fails to disclose or suggest at least one element of claims 7 and 17, at least by virtue of their dependency from one of the claims 1 and 11.

Moreover, Applicants submit that Cohen fails to disclose or suggest automatically reporting the fraudulent transaction to a credit reporting agency, as recited by claims 7 and 17. Instead, Cohen discloses that the credit card company is alerted. *See Cohen*, col. 3, lines 15-18. Thus, the asserted combination of Joao, Walker and Cohen fails to disclose or suggest automatically reporting the fraudulent transaction to a credit reporting agency, as recited by claims 7 and 17. Therefore, the rejection of claims 7 and 17 should be withdrawn.

4. *Claims 8 and 18 Are Allowable over Joao in View of DeFrancesco.*

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Applicants traverse the rejection of claims 8 and 18 under 35 U.S.C. §103(a) over Joao in view of U.S. Patent No. 5,878,403 ("DeFrancesco") at page 6, paragraph 7 of the Final Office Action. As previously discussed, Joao fails to disclose or suggest providing multiple options for the payment card holder to decline authorization of the attempted transaction, as recited by independent claims 1 and 11. DeFrancesco fails to disclose or suggest providing multiple options for the payment card holder to decline authorization of the attempted transaction, as recited by independent claims 1 and 11. Thus, the asserted combination of Joao and DeFrancesco fails to disclose or suggest at least one element of claims 8 and 18, at least by virtue of their dependency from one of the claims 1 and 11.

Additionally, the Final Office Action acknowledges that Joao fails to disclose or suggest sending a reason code to a merchant involved in the attempted transaction to indicate why the attempted transaction has been declined. *See Final Office Action*, p. 6, paragraph 7. The Final Office Action alleges that "DeFrancesco teaches a reason code to indicate why an attempted transaction has been declined (col. 23, lines 48-50)." *See Final Office Action*, p. 6.


DeFrancesco discloses that a dealer can submit credit applications, pull credit bureau information using minimum input, and review the information. *See DeFrancesco*, col. 23, lines 33-47. The Final Office Action points to the credit application status ("granted, granted with conditions, or declined and reasons why declined"). *See DeFrancesco*, col. 23, lines 48-50. However, the reasons of DeFrancesco bear no relation to the reason code of claims 8 and 18. The reasons of DeFrancesco are generated by the credit bureau in application for a card, not by the card holder of an existing account. While the reason code is sent to the merchant, the reason code is to decline a credit application, not an attempted transaction. Finally, claims 8 and 18 recite receiving a selection made by the payment card holder of one of the multiple options to decline the attempted transaction. The asserted combination of Joao and DeFrancesco fails to disclose or suggest receiving a selection made by the payment card holder of one of the multiple options to decline the attempted transaction, and sending a reason code to a merchant involved in the attempted transaction to indicate why the attempted transaction has been declined, as recited by claims 8 and 18. Thus, the asserted combination of Joao and DeFrancesco fails to disclose at least one element of the claims 8 and 18. Therefore, the rejection of claims 8 and 18 should be withdrawn.

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CONCLUSION

In light of the arguments presented above, the rejections of claims 1-22 are improper, and the Applicants respectfully request withdrawal of the rejections. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

2-10-2006
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